IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15471 of 2004

Between:

K. Malleswara Rao, S/o Viswanadham, Conductor,
R/o Nidadavole, West Godavari District.

..... PETITIONER

AND

1 The A.P.S.R.T.C, Rep. by its Regional Manager,
West Godavari Region, West Godavari District at Eluru.
2 The Depot Manager, APSRTC, Nidadavole, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner to treat the punishments imposed as without cumulative effect as directed by the Labour Court vide Award in I.D.No.188/93 dt.1-2-1997, as illegal, unjust and arbitrary and as such liable to be set aside in the interest of justice by directing the respondents herein to consider his representation dt.10-11-2001 and to treat the punishments as non cumulative and to re-fix the pay by paying the difference of wages from the date of punishments to till date.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondent Nos.1 and 2: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15471 OF 2004

ORDER:

The petitioner is working as a Conductor in the respondent-Corporation. In a disciplinary enquiry, he was imposed a penalty of reduction of basic pay and stoppage of two annual increments with cumulative effect. He preferred an I.D. before the Labour Court. The Labour Court in I.D.No.188 of 1993 dated 30-12-1996, passed an award directing the stoppage of increment without cumulative effect.

2. The petitioner contends that when he made a representation on 02-11-1998 and another representation on 10-11-2001, the respondents did not pass any order implementing the award of the Labour Court, Guntur, dated 30-12-1996. The petitioner therefore, approached this Court through this Writ Petition seeking a direction to the respondents to pass appropriate orders by implementing the order of the Labour Court

3. In the light of the circumstances explained by the petitioner, the first respondent is directed to pass appropriate orders within two months from the date of receipt of a copy of this order in pursuance of the award of the Labour Court, Guntur dated 30-12-1996 in I.D.No.188 of 1993 regarding the treatment of stoppage of increments, and release the consequential benefits, if any, to the petitioner.

4. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

31st August, 2004

SKM

TO

1 The Regional Manager, A.P.S.R.T.C,
West Godavari Region, West Godavari District at Eluru.
2 The Depot Manager, APSRTC, Nidadavole, West Godavari District.

3 Two C.D. Copies.